IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 32482 of 2007(P)

PETITIONER:

THE MANAGING DIRECTOR, KERALA STATE
ROAD TRANSPORT CORPORATION, THIRUVANANTHAPURAM,
REPRESENTED BY DEPUTY LAW OFFICER,
SRI.RANJITH JOSEPH.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENTS:

SRI.C.N.SREEDHARAN, S/O.NARAYANAN,
CHEMPAKASSERIYIL HOUSE, KOSADE, MADUKKA P.O.,
MUNDAKKAYAM, KOTTAYAM DISTRICT.

BY ADV. SRI.T.I.ABDUL SALAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 32482 of 2007

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Dated this the 7th day of November, 2007

JUDGMENT

Petitioner challenges Ext.P3. The issue is covered in favour of the petitioner by virtue of the judgment in W.P.(C) 19040 of 2007. The respondent retired on 31.1.2006. He claimed out of turn payment of the pensionary benefits for meeting the marriage expenses of the daughter which was to be solemnised on 19.8.2007. The respondent retired as a Driver. In such circumstances, I would think that the respondent should be given some relaxation from the principle of seniority for payment of pensionary benefits.

Accordingly the writ petition is disposed of as follows:

I quash Ext.P3 and there will be a declaration in terms of prayer No.2. I direct the petitioner to pay the amount due to the respondent by way of DCRG or Commuted Value of Pension, whichever is higher within a period of one month from the date of receipt of a copy of this judgment. This will be however subject to the condition that it will be open to the petitioner to retain any such amount as the petitioner is

liable in law under any agreement to any creditor or by virtue of any liability due to the petitioner Corporation. Petitioner will also pay to the respondent the amount due as Provident Fund with statutory interest from the due date till the date of payment and also Staff Welfare Fund within a period of one month from the date of receipt of a copy of this judgment, if it has not already been paid. Regarding the arrears of pay revision, I leave it open to the respondent to approach the appropriate forum.

(K.M. JOSEPH, JUDGE)

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